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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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CHIEF COMMISSIONER OF STATE TAXES, ANDHRA PRADESH :: VIJAYAWADA.

CCT's File No. REV03-24037/1/2018- DXZ SEC- CCT- Part (1)

Dt: 16.05.2019

COMMERCIAL TAXES DEPARTMENT - ZONE - II - KAKINADA NODAL DIVISION - SRI NITTA SRI KRISHNA, DCTO (DIRECT RECRUIT ACT OF 10/99 APPSC GROUP-II NOTIFICATION) - FIXATION OF SENIORITY IN THE CADRE OF ACTO ON PAR WITH OTHER DIRECT RECRUIT ACTOs OF THE SAME NOTIFICATION WHO JOINED IN THE YEAR 2001, AS PER THE REVISED MERIT LIST FURNISHED BY THE APPSC ORDERS - ISSUED - ISSUANCE OF SHOW CAUSE NOTICE - OBJECTIONS CALLED FOR - OBJECTIONS RECEIVED.

- Ref : 1. Deputy Commissioner (CT), Kakinada Nodal Division Proceedings No: P1/76/2006, Dt: 13.10.2008.
2. Secretary APPSC Lr.No: 321/RS-23B/2018, Dt: 07.08.2018.
3. G.O.Rt.No: 367 Revenue (CT-I) Department, Dt: 05.03.2019.
4. Reptn Dt: 06.03.2019 of Sri N.Sri Krishna, DCTO, O/o CTO, Nidadavole, Eluru Division.
5. CCT's File No: REV03-24036(31)/1/2019-DXZ SEC-CCT, Dt: 22.02.2019.
6. CCT's File. No. REV03-24037/1/2018-DXZ SEC- CCT- Part-I, Dt: 14.03.2019.
7. A.P. Gazette No. 57, Dt: 16.04.2019.
8. CCT's File No. REV03-24036(31)/1/2019- DXZ SEC-CCT, Dt: 03.05.2019.

1. The APPSC vide letter dated 03.01.2001 send the selection list of ACTOs. Vide this office reference dt: 22.01.2001, 19 individuals who are selected under 10/1999 notification were allotted to Kakinada Nodal Division. In the reference 1st cited the Deputy Commissioner (CT), Kakinada Nodal Division finalized the seniority list of ACTOs for the years 2000-01 to 2004-05.
2. The APPSC vide Ref.No.321/RS-23B/2018 dated 07.08.2018 has furnished the revised selection list of first spell of ACTOs.
3. Sri A.Balanjaneyulu who was selected vide APPSC selection list dt: 03.01.2001 against Roster point No: 91/100 as ACTO in Zone -II and allotted to Kakinada Nodal Division has later quit the C.T. Department at his option and consequent on his exit, the APPSC allotted the roster point No.91/100 to Sri N.Sri Krishna in due consideration of his merit and rule of reservation.
4. The Government vide G.O.Rt.No: 367 Revenue (CT-I) Department, dt: 05.03.2019 accepting the proposal of Chief Commissioner of State Tax for fixing the seniority of Sri N. Sri Krishna in the cadre of ACTO, on par with other direct recruit ACTOs of the same notification No 10/99, who joined in the year 2001, as per the revised merit list furnished by the APPSC vide Lr.No: 321/RS-23B/2018, Dt.07-08-2018 irrespective of his date of joining into the post of ACTO, under rule 33 (b) of AP State and Sub-ordinate Service Rules 1996 in relaxation of Rule 33 (a) of Andhra Pradesh State and Sub-ordinate Service Rules.
5. In the reference 5th cited SCN was issued to the effected individuals for change of placements in the final seniority list of ACTOs dt: 13.10.2008 of Kakinada Nodal Division due to relaxation of Rule 16 (h) of APS & SS Rules, 1996 in respect of Sri Ch. Koteswara Rao, presently DCTO, Suryaraopet Circle, Smt M.Seshu Kumari, DCTO, Rajamahendravaram and Sri K.V.Srinivasa Rao, DCTO, Bhimavaram. In the reference 8th cited confirmed the revised seniority list of ACTOs of Kakinada Nodal Division as proposed in the reference 5th cited.
6. In response to the Show Cause Notice Smt. S.Ramana Kumari, DCTO, O/o AC (ST), Eluru and Smt V.Jyothi, Manager, O/o JC (ST), No.I Division Vijayawada filed their objections.

Objections filed by Smt. S.Ramana Kumari, DCTO, O/o AC fST), Eluru:

1. She was selected as ACTO vide APPSC notification no. 10/99 under (SC-A women category) AP scheduled Caste rationalization of Reservation Act 20/2000. Accordingly appointed as ACTO and allotted to Kakinada division on 05.03.2001. Subsequently, she was terminated from service on 04.03.2005 on the grounds of striking down of SC categorization w.e.f.05.11.2004 by the Supreme Court of India. As per clarification orders of Hon'ble Supreme Court in Civil Appeal No.6758/2000 dt. 25.09.2006 i.e. all the appointments made under SC categorization are prospective only and orders prior to 05.11.2004 would remain un affected. As per orders of the Government vide Memo No., 12554/CT.I(2)/05/14, dt.20.12.2006 she was reinstated into service.

2. The APPSC on 27.04.2018 has placed the selection lists in two parts. In part-I placed 104 selected candidates and Part-II placed 7 candidates who are relating to Scheduled Caste and selected in 1st spell in the year 2001. As per orders of Hon'ble Supreme Court judgment dt. 25.09.2006 in Civil Appeal No.6758/2000, the SC candidates mentioned in Part-II are not to disturb, who are selected and appointed under SC A, B, C, D categorization and remaining 76 candidates (Non-SC candidates) were not revised which is injustice.
3. Sri N.Srikrishna joined as ACTO in 2005 and whenever he joined, his departmental tests are completed after two years. Hence his probation period was also declared after two years which is criteria to fix his seniority.
4. As per clarification orders of Hon'ble Supreme Court in Civil Appeal No.6758/2000 dt. 25.09.2006 i.e. all the appointments made under SC categorization are prospective only and orders prior to 05.11.2004 would remain un affected. But, the inclusion of Sri N.Srikrishna's name in the seniority list of ACTOs for the years 2000-01 to 2004-05 is against to the said Supreme Court judgment and the fixation of seniority of the individual is injustice and violating the State policy of Rule of reservation of SC A, B, C, D categorization.
5. Though he got merit marks in the selection, but his date of joining into service is 26.02.2005. The selection of SC candidates in 2001 is based on state policy of SC A, B, C, D categorization. So fixation of his name on par to the 7 SC candidates (not to disturb) roster points are not fixed yet.
6. Smt. Burugu Raja Kumari has been selected for IPS and left over the Group- II Service. Even through APPSC include her name in the first list and fixed her roster point 87/100. Now it is the clear vacancy and hence she requested to place her name in that roster point 87/100 as her termination is vice versa of Smt. Burugu Raja Kumari.

Reply to the objections :

- Sri N.Sri Krishna, DCTO was selected to the post of ACTO through APPSC vide notification No. 10/1999 in the revised selection list of 10 SC candidates, in the first spell selection list of 83 ACTOs (Total 104 posts), after striking down SC categorization by Hon'ble Supreme Court. He joined in C.T.Dept as ACTO on 26.02.2005. Though Sri N. Sri Krishna got 2nd highest marks 403.351 among the SC candidates, he could not get posting in 2001 due to implementation of SC categorization. Consequent on striking down of SC categorization, Sri N.Sri Krishna joined as ACTO in the year 2005. Therefore, Sri N.Sri Krishna, DCTO has requested the Govt, to fix his seniority in the cadre of ACTO on par with other DR ACTOs of the same notification of 10/99 the candidates who joined in the year 2001, as per the revised merit list furnished by the APPSC on 07.08.2018 irrespective of his joining duty on 26.02.2005.
- The Government vide G.O.Rt.No. 367, Revenue (CT-I) Dept., dt. 05.03.2019 ordered for fixing the seniority Sri N.Sri Krishna, DCTO in the cadre of ACTO on par with the Direct Recruit ACTOs of the same notification no. 10/99 who joined

in the year 2001 as per the revised merit list furnished by the APPSC vide Ref. dt. 07.08.2018 irrespective of his date of joining into the post of ACTO under Rule 33 (b) of AP State and Subordinate Service Rules , 1996 in relaxation of Rule 33 (a) of AP State and Subordinate Service Rules, 1996. Basing on the Government orders Sri N.Sri Krishna placed in the seniority list along with ACTOs who are joined in the year 2001.

- Hence, the objections raised by the above individual are not sustainable.

Objections filed by Smt V.Jyothi, Manager, O/o JC (ST), No.I Division Vijayawada:

1. She submit that the proposed elevation of Sri N. Sri Krishna to a higher rank in the seniority list was said to have been taken up on the ground that he was shown against roster point No. 91/100 consequent due to relinquishing of the post by Sri A. Balanjaneyulu on his own.
2. Sri A. Balanjaneyulu who had already been appointed against roster point No. 91/100 had reported to duty and since he left the department as per the rules framed for reservation of appointments and maintenance of communal rotation roster in A.P. Government Service. Moreover it is not a case of his not reporting to Government service. She submit that the affordable individual had already reported, underwent training assumed regular charge, worked in the cadre for certain period and thereafter only he had relinquished the post on his own. She may therefore submit that the roster point No. 91/100 shall be considered to have been filled in and any further appointments to the cadre by way of direct recruitment shall be continued from the next point available to the category but not against those already filled in and vacated by the individuals for their own reasons. If this principle is applied contrary to the rules whenever the individuals belonging to a particular category vacates the post for any reason, the individuals in the next point shall be elevated restoring to revision of seniority throughout their service despite the fact that the seniority once settled cannot be disturbed after a considerable period of time as held by the Hon'ble Apex Court and as per instructions of the Government vide Circular Memo No. 57759/Ser.A/2004-1, dt. 20.05.2004
3. She further submit that in letter no. 196/RS-23B/2015, dt.10.05.2018 sent by APPSC to the Commissioner of Commercial Taxes, while forwarding the Revised selection list of Group -I services (General) Notification No. 10/1999, APPSC has stated that incompliance of the Hon'ble Supreme Court judgment dt. 18.02.2015 and 29.07.2016 in Civil Appeal No. 5099/2006, the Commission has revised the selections in consonance with the Presidential order 1975. In the process First spell of 104 (Executive posts) selection already made during 2000-01 are not disturbed.
4. The above clarifications clearly indicated that no second Spell selection list appointee can be given an inclusion among the First list appointees thus giving an undue advantage of superseding his seniors who were incumbents in the Department and put up Five (5) years of service by the time the individual joins the Department.
5. She further submit that several OAs were filed pertaining to various issues to recruitment of Group -II services Notification No. 10/1999 which has got chequered history as it was subjected to litigation under various disputes, the matters were taken up by the Apex Court which has granted specific permission to the candidates to file their objections and as the matter is under active consideration before the Apex Court and pending in the Hon'ble Supreme Court at this juncture it is not appropriate to take up the matters.

Reply to the objections :

- Her contention that of not reopening the seniority after 3 years with reference to Government Circular Memo No. 57759/Ser.A/2004-1, dt. 20.05.2004 is not come to her rescue as this exercise of revision is warranted only due to Government orders for inclusion of Sri N. Sri Krishna, DCTO in the cadre of ACTO on par with other DR ACTOs of the same notification no. 10/99 who joined in the year 2001. This is not either a suo moto revision or a revision on application. This circular memo relied upon by them is meant to curb the revisions taken up in the cases where the individuals having accepted the seniority and making request after 3 years without making an appeal or sought revision in time.
 - Sri N.Sri Krishna, DCTO was selected to the post of ACTO through APPSC vide Notification No.10/99 in the revised selection list of 10 SC candidates,in the first spell selection list of 83 ACTOs (total 104 posts), after striking down SC categorization by Hon'ble Supreme Court. He joined in C.T. Dept, as ACTO on 26.02.2005. But, the 10 members, who were selected with conditional appointment under SC categorization, joined as ACTOs in the year 2001. Among them, some of the persons who were not affected due to revision of selection of SC candidates got consequent promotions as DCTO and CTO. Though Sri N. Sri Krishna got 2nd highest marks 403.351 among the SC candidates, he could not get posting in 2001 due to implementation of SC categorization. Consequent on striking down of SC categorization, Sri N. Sri Krishna joined as ACTO in the year 2005. Therefore, Sri N. Sri Krishna, DCTO has requested the Govt, to fix his seniority in the cadre of ACTO on par with other directed to ACTOs of the same notification the candidates who joined in the year 2001, as per the revised merit list furnished by the APPSC on 07.08.2018, irrespective of his joining duty on 26.02.2005
 - The Government vide G.O.Rt.no.367 Revenue (CT-I) Dept., dt. 05.03.2019 ordered for fixing the seniority Sri N. Sri Krishna, DCTO in the cadre of ACTO on par with the Direct Recruit ACTOs of the same notification No. 10/99 who joined in the year 2001 as per the revised merit list furnished by the APPSC vide ref. dt. 07.08.2018 irrespective of his date of joining into the post of ACTO under Rule 33 (b) of AP State and Subordinate Service Rules, 1996 in relaxation of Rule 33 (a) of AP State and Subordinate Service Rules, 1996.
 - Basing on the Government orders Sri N. Sri Krishna placed along with ACTOs who are joined in the year 2001.
 - Hence, the objections raised by the Smt V.Jyothi are not sustainable.
7. In view of the above, the objections made by the individuals are rejected and confirmed the placement of Sri Nitti Sri Krishna in the revised seniority list of ACTOs of Kakinada Nodal Division and annexed here with as proposed in the reference 6th cited.
8. The revised seniority list of ACTOs of Kakinada Nodal Division is subject to outcome of S.L.Ps /W.Ps/O.As/ appeals pending if any, before the Supreme Court of India, High Court of A.P/ A.P.A.T/ Government.

Annexure**CCT's File No. REV03-24037/1/2018- DXZ SEC – CCT, dt. 16.05.2019****Revised seniority list of ACTOs of Kakinada Nodal Division**

Sl.No in the revised seniority list	Name of the individual	DOB	Date of Joining	Panel Year	Remarks
1	K.Suvarna Rani (DR) SC-B (W)	03.10.1973	16.02.2001		
2	K.Sridhar (DR)	20.06.1972	14.02.2001		
3	E.Rama Devi (DR)	15.07.1972	14.02.2001		
4	N.Sri Krishna (DR)	05.04.1970	26.02.2005		
5	V.Srinivas (DR)	08.08.1972	01.03.2001		
6	B.Mallikarjuna Rao (DR)	12.06.1969	05.03.2001		
7	M.Seshu Kumari (DR)	05.06.1977	14.02.2001		Placed as per CCT's Ref.dt. 03.05.2019
8	T.Subba Rao (DR)	08.05.1969	26.02.2001		
9	V.Jyothi (DR)	05.05.1969	14.02.2001		
10	K.V.Srinivasa Rao (DR)	01.07.1969	21.02.2001		Placed as per CCT's Ref.dt. 03.05.2019
11	A.Madhavi (DR)	21.08.1976	16.02.2001		
12	T.V.Nageswara Rao (DR)	05.05.1972	17.02.2001		
13	Kum K.Pavani (DR)	01.08.1961	01.03.2001		
14	Ch.Koteswara Rao (DR)	05.04.1974	17.02.2001		Placed as per CCT's Ref.dt. 03.05.2019
15	V.Krishna Rao (CL)	02.10.1960	03.04.2001	2000-01	Carry forward vacancy
16	Smt S.Kanakeswaramma	19.04.1947		2000-01	
17	Gunapalli Venkateswara Rao	15.06.1951	02.05.2006	2001-02	
18	B.S.Subramanyam	20.07.1949	07.06.2004	2002-03	
19	S.Ramana Kumari	01.06.1969	05.03.2001		Placed as per CCT's Ref: DX4/895/20 11, dt: 05.10.2015

Sl.No in the revised seniority list	Name of the individual	DOB	Date of Joining	Panel Year	Remarks
20	Smt M.Padmavathi SC (W)-C	10.12.1954	04.05.2006	2002-03	
21	K.V.S.S.Prakash Rao	18.02.1951	02.05.2006	2002-03	
22	T.Veerabhadra Rao	10.08.1952	02.05.2006	2002-03	
23	P.Narasimha Murthy	14.04.1952	02.05.2006	2002-03	
24	K.Rama Krishna Rao	01.08.1952	02.05.2006	2003-04	
25	P.AppaRao	23.05.1950	04.06.1997	2003-04	
26	P.Sudhakar (SC-B)	20.11.1962	06.06.2004	2003-04	
27	P.Jaya Kumari	03.05.1950	04.06.1997	2003-04	
28	S.Sreenivasa Rao (DR)	01.05.1975	19.02.2001		Probation deemed to be commenced from July 2004
29	Smt K.R.S.Valli	18.02.1951	04.06.1997	2003-04	

T. K. RAMAMANI,
Chief Commissioner (ST), FAC.

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